

CLOSED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-00863-JDB**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF
DEFENSE

Assigned to: Judge John D. Bates
Cause: 05:552 Freedom of Information Act

Date Filed: 05/09/2011
Date Terminated: 01/10/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **David Francis Rothstein**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: drothstein@judicialwatch.org
ATTORNEY TO BE NOTICED

Paul J. Orfanedes
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: porfanedes@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Alan R. Burch**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 514-7204
Fax: (202) 514-8780
Email: alan.burch@usdoj.gov
TERMINATED: 06/13/2011
LEAD ATTORNEY

Jeffrey Michael Smith
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Washington, DC 20001
(202) 514-5751
Fax: (202) 616-8202
Email: jeffrey.smith5@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joel L. McElvain
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW

Washington, DC 20001
 (202) 514-2988
 Fax: (202) 616-8460
 Email: joel.l.mcelvain@usdoj.gov
 TERMINATED: 10/31/2012
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/09/2011	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF DEFENSE (Filing fee \$ 350, receipt number 4616038564) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet)(dr) (Entered: 05/10/2011)
05/09/2011		SUMMONS (3) Issued as to U.S. DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (dr) (Entered: 05/10/2011)
05/09/2011	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. identifying Corporate Parent NONE for JUDICIAL WATCH, INC.. (dr) (Entered: 05/10/2011)
05/24/2011	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/12/2011 ; RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/12/2011. (Answer due for ALL FEDERAL DEFENDANTS by 6/11/2011.) (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Rothstein, David) Modified on 5/24/2011 to correct event and enhance text(rdj). (Entered: 05/24/2011)
05/24/2011	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 5/12/2011. (See Docket Entry <u>3</u> to view document) (dr) (Entered: 05/25/2011)
05/26/2011	<u>5</u>	NOTICE of Appearance by Alan R. Burch on behalf of U.S. DEPARTMENT OF DEFENSE (Burch, Alan) (Entered: 05/26/2011)
06/13/2011	<u>6</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joel L. McElvain on behalf of U.S. DEPARTMENT OF DEFENSE Substituting for attorney Alan Burch (McElvain, Joel) (Entered: 06/13/2011)
06/13/2011	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF DEFENSE.(McElvain, Joel) (Entered: 06/13/2011)
06/14/2011	<u>8</u>	ORDER directing parties to confer and submit proposed briefing schedule for filing of dispositive motions by not later than July 7, 2011. See text of order for details. Signed by Judge John D. Bates on 6/14/2011. (lcjdb3) (Entered: 06/14/2011)
06/14/2011		Set/Reset Deadlines: Proposed Scheduling Order due by 7/7/2011. (tb,) (Entered: 06/14/2011)
06/30/2011	<u>9</u>	STIPULATION re <u>8</u> Order by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(McElvain, Joel) (Entered: 06/30/2011)
07/01/2011	<u>10</u>	ORDER pursuant to <u>9</u> stipulation. See text of order for details. Signed by Judge John D. Bates on 7/1/2011. (lcjdb3) (Entered: 07/01/2011)
07/05/2011		Set/Reset Deadlines: Defendant's Summary Judgment motions due by 12/16/2011. Plaintiff's Cross Motions/Response to Cross Motions due by 2/17/2012. Defendant's Reply/Response to Motion for Summary Judgment due by 1/20/2012. Plaintiff's Reply to Cross Motions due by 3/12/2012. (tb,) (Entered: 07/06/2011)
10/26/2011	<u>11</u>	STIPULATION re <u>10</u> Order by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(McElvain, Joel) (Entered: 10/26/2011)
10/27/2011	<u>12</u>	SCHEDULING ORDER. See text of order for details. Signed by Judge John D. Bates on 10/27/2011. (lcjdb3) (Entered: 10/27/2011)

10/27/2011		Set/Reset Deadlines: Interim release of material due by 10/28/2011. Production of responsive materials completed by 1/26/2012. Vaughn Index due by 2/13/2012. Challenged exemptions due by 1/28/2012. Defendant's Summary Judgment motion due by 3/15/2011. Plaintiff's cross-motion and opposition due by 4/19/2011. Defendant's reply and opposition due by 5/17/2011. Plaintiff's reply due by 5/31/2012. (lcjdb3) (Entered: 10/27/2011)
01/24/2012	<u>13</u>	STIPULATION re <u>12</u> Order by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(McElvain, Joel) (Entered: 01/24/2012)
01/30/2012	<u>14</u>	REVISED SCHEDULING ORDER: See text of order for details. Signed by Judge John D. Bates on 1/30/2012. (lcjdb3) (Entered: 01/30/2012)
01/30/2012		Set/Reset Deadlines: Production of materials due by 4/17/2012; draft Vaughn Index due by 5/4/2012; challenged exemptions due by 5/21/2012; Defendant's summary judgment motion due by 6/6/2012. Plaintiff's cross-motion and opposition due by 7/11/2012. Defendant's opposition and reply due by 8/8/2012; Plaintiff's reply due by 8/22/2012. (lcjdb3) (Entered: 01/30/2012)
05/02/2012	<u>15</u>	STIPULATION re <u>14</u> Scheduling Order by JUDICIAL WATCH, INC., U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Rothstein, David) (Entered: 05/02/2012)
05/02/2012		MINUTE ORDER: Upon consideration of <u>15</u> the stipulation entered into by the parties and the parties' proposed scheduling order, it is hereby ORDERED that the Court adopts the stipulation and the proposed order setting forth the schedule for further proceedings; and it is further ORDERED that the proposed order [15-1] shall be docketed forthwith. SO ORDERED. Signed by Judge John D. Bates on 5/2/2012. (lcjdb3) (Entered: 05/02/2012)
05/04/2012	<u>16</u>	ORDER: re <u>15</u> Stipulation filed by U.S. DEPARTMENT OF DEFENSE, JUDICIAL WATCH, INC.. Plaintiff review of draft index and inform defendant not later than 7/20/2012 as to which exemptions asserted by defendant it intends to challenge. Defendant's Summary Judgment motions due by 8/17/2002. Plaintiff's Cross Motion for Summary Judgment/Response due by 9/14/2012. Defendant's Reply to Motion for Summary Judgment due by 10/12/2012. Plaintiff's Reply to Cross Motions due by 10/26/2012. Signed by Judge John D. Bates on 05/04/12. (ztb,) (Entered: 05/04/2012)
05/07/2012		Set/Reset Deadlines: Motions due by 8/17/2012. Cross Motion/Response due by 9/14/2012. Response/Reply to Cross Motions due by 10/12/2012. Reply to Cross Motions due by 10/26/2012. (tb,) (Entered: 05/07/2012)
08/06/2012	<u>17</u>	STIPULATION re <u>16</u> Order, Set Deadlines,,,, <i>Stipulation Regarding Briefing Schedule</i> by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(McElvain, Joel) (Entered: 08/06/2012)
08/06/2012	<u>18</u>	STIPULATION <i>Regarding Matters Remaining in Dispute</i> by U.S. DEPARTMENT OF DEFENSE. (McElvain, Joel) (Entered: 08/06/2012)
08/10/2012	<u>19</u>	REVISED SCHEDULING ORDER pursuant to <u>17</u> stipulation regarding briefing schedule. See text of revised scheduling order for details. Signed by Judge John D. Bates on 8/10/2012. (lcjdb3) (Entered: 08/10/2012)
08/10/2012		Set/Reset Deadlines: Cross Motions due by 10/15/2012. Response to Cross Motions due by 11/13/2012. Reply to Cross Motions due by 11/30/2012. Summary Judgment motions due by 9/17/2012. Response to Motion for Summary Judgment due by 10/15/2012. Reply to Motion for Summary Judgment due by 11/13/2012. (tb,) (Entered: 08/10/2012)
09/12/2012	<u>20</u>	STIPULATION re <u>19</u> Scheduling Order by U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(McElvain, Joel) (Entered: 09/12/2012)
09/14/2012		REVISED SCHEDULING ORDER: Pursuant to the stipulation of the parties, it is hereby ORDERED that the briefing schedule shall be amended as follows: defendant shall file its motion for summary judgment by not later than October 17, 2012; plaintiff shall file its cross-motion for summary judgment and opposition by not later than November 16, 2012; defendant shall file its reply and opposition by

		not later than December 13, 2012; and plaintiff shall file its reply by not later than January 4, 2013. SO ORDERED. Signed by Judge John D. Bates on 9/14/2012. (lcjdb3,) (Entered: 09/14/2012)
10/16/2012	<u>21</u>	NOTICE of Appearance by Jeffrey Michael Smith on behalf of U.S. DEPARTMENT OF DEFENSE (Smith, Jeffrey) (Entered: 10/16/2012)
10/16/2012	<u>22</u>	Consent MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by U.S. DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Smith, Jeffrey) (Entered: 10/16/2012)
10/17/2012		MINUTE ORDER: Upon consideration of <u>22</u> defendant's consent motion for an extension of the briefing schedule, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the briefing schedule shall be amended as follows: defendant shall file its motion for summary judgment by not later than November 16, 2012; plaintiff shall file its cross-motion for summary judgment and opposition by not later than December 17, 2012; defendant shall file its reply and opposition by not later than January 14, 2013; and plaintiff shall file its reply by not later than February 4, 2013. SO ORDERED. Signed by Judge John D. Bates on 10/17/2012. (lcjdb3) (Entered: 10/17/2012)
10/18/2012		Set/Reset Deadlines: Summary Judgment motions due by 11/16/2012. Cross Motions/Response to Motion for Summary Judgment due by 12/17/2012. Response/Reply to Motion for Summary Judgment due by 1/14/2013. Reply to Cross Motions due by 2/4/2013. (tb,) (Entered: 10/18/2012)
10/31/2012	<u>23</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. DEPARTMENT OF DEFENSE. Attorney Joel L. McElvain terminated. (McElvain, Joel) (Entered: 10/31/2012)
11/16/2012	<u>24</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Vaughn Index, # <u>2</u> Declaration of Jeanne Miller, # <u>3</u> Declaration of Alesia Williams, # <u>4</u> Declaration of Admiral William McRaven, # <u>5</u> Declaration of Vice Admiral Kurt Tidd, # <u>6</u> Declaration of Rear Admiral Brad Gehrke)(Smith, Jeffrey) (Entered: 11/16/2012)
12/10/2012	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION for Summary Judgment (<i>and to modify remaining briefing schedule</i>) by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Rothstein, David) (Entered: 12/10/2012)
12/11/2012		MINUTE ORDER: Upon consideration of <u>25</u> plaintiff's consent motion to extend the briefing schedule, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that plaintiff's combined opposition and cross-motion for summary judgment shall be due by not later than February 1, 2013; defendant's combined opposition and reply shall be due by not later than March 1, 2013; and plaintiff's reply shall be due by not later than March 22, 2013. SO ORDERED. Signed by Judge John D. Bates on 12/11/2012. (lcjdb3) (Entered: 12/11/2012)
12/14/2012		Set/Reset Deadlines: Cross Motions due by 2/1/2013. Response to Cross Motions due by 3/1/2013. Reply to Cross Motions due by 3/22/2013. Responses due by 2/1/2013 Replies due by 3/1/2013. (tb,) (Entered: 12/14/2012)
01/10/2013	<u>26</u>	STIPULATION of Dismissal (<i>With Prejudice</i>) by JUDICIAL WATCH, INC., U.S. DEPARTMENT OF DEFENSE. (Rothstein, David) (Entered: 01/10/2013)